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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,152	12/20/1999	TADASHI TAKAHASHI	P18421	1984

7590 05/06/2003

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EXAMINER

SENFU, BEHROOZ M

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/467,152

Applicant(s)

TAKAHASHI, TADASHI

Examiner

Behrooz Senfi

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

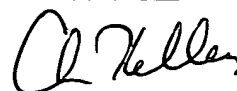
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3 - 10, 12 - 19, 21 - 23, 25 - 31.Claim(s) withdrawn from consideration: 2, 11, 20, 24.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see attachment please



CHRIS KELLEY

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600

Part of Paper No. 12

Art Unit: 2613

Attachment to advisory Action

1. Applicant's amendment (Paper no. 11, dated Apr. 22, 2003) canceled claims 11 and 24, and amended claims 1, 19, and 29, and added new claims 30, and 31.

Response to Arguments

2. Applicant's arguments filed Apr. 22, 2003, have been fully considered but they are not persuasive.

The amended claims 1, 19, and 29 and newly added claims 30, and 31 show the same scope as claims 1, 3 – 10, 12 – 19, 21 - 23, and 25 – 29, as previously filed by incorporating limitations of the canceled claims. However, they do not overcome the 103 Rejection, as previously established.

Applicant asserts (Paper no. 11, pages 6, last four lines) that, "Examiner has determined that Koike teaches displaying dates and months each in a different color, and concludes that it would have been obvious to include this feature into the device of Koike".

In response, Examiner respectfully disagrees, because Examiner does not conclude the teaching of Koike in regards with displaying dates and months each in a different color to include this feature into Koike device again. In fact, Koike teaching in regards with color-coding technique is used to modify the display disclosed by Kimura (i.e. fig. 15).

Applicant asserts (Paper no. 11, page 7, lines 6 - 9) that the applied references fails to teach or suggest "displaying the date in an order of at least one of year, month and day; month, day and year; and day, month and year, wherein one of the year, month, and day is set to a color or character type different from the others".

Art Unit: 2613

In response, Examiner respectfully disagrees, because, Koike '546 clearly (i.e. col. 1, lines 50 – 56) teaches differentiate dates and months and color coding to distinguish between one another, and also (fig. 15, and col. 9, lines 29 – 31, of Kimura '155) clearly shows display including object and various kinds of data (i.e. date, time, ID, Birthday, sex). In view of this, displaying a date/birthday must include the year and month and day in one of the order that is commonly well-known to the user at the particular location (i.e. USA or Europe or etc), therefore the combination teaching of Kimura and Koike as a whole teaches displaying date and color-coding.

Applicant asserts (Paper no. 11, page 9, lines 1 - 2) that Koike does not display the date in an order of at least one of the “year, month and day; month, day and year; and day, month and year” is not correct. Since Examiner does not relies on Koike for displaying the date of at least one of the order as applicant claimed. However, as discussed above, Kimura '155 discloses the use of “date/birthday” (i.e. fig. 15), which must include at least one of the order of the “year, month and day; month, day and year; and day, month and year” which is known to the user at the particular location.

Applicant's argument (Paper no. 11, page 9, lines 14+) regarding “the Koike reference is not directed toward an electronic endoscope, therefore is not combinable with Kimura reference” is not correct.

In fact Koike '546 reference discloses color coding techniques to display the character/contents in different color, therefore, by modifying the disclosed display of Kimura (i.e. fig. 15) with the color coding technique as taught by Koike would have been obvious to one ordinary skill in the art.

Art Unit: 2613

Applicant's argument (Paper no. 11, page 12, lines 11 - 13) that none of the applied references teaches or suggests "displaying an order of a date from among year, month and day; month, day and year; and day, month and year".

In response, Examiner respectfully disagrees, because as discussed above and based on the combination teaching of Kimura in view of Koike, displaying an order of a date or changing the order of a date which is commonly well-known to a user at the particular location, is well-known in the prior art of the record.

In view of the above the previous rejection as stated in (Paper no. 8, dated 12/13/2002) with regards to claims 1 – 29 still applies.

3. Claims 1, 3 - 12, 16 - 18, 24, 29, and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 4,846,155) in view of Koike (US 4,044,546).

4. Claims 13 – 15, 19, 21 – 23 and 25 - 28, and 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 4,846,155) in view of Koike (US 4,044,546) further in view of Salb (US 5,408,996).